



## **PLANNING DIRECTOR'S HEARING AGENDA**

**Wednesday, October 8, 2008**

**9:00 a.m.  
Council Chambers  
City Hall**

**200 East Santa Clara Street  
San José, California 95113-1905**

### **Hearing Officers**

**Jean Hamilton, AICP, Principal Planner**

**Susan Walton, Principal Planner**

**Joseph Horwedel, Director  
Planning, Building, and Code Enforcement**

## NOTICE

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Dawn Lehman at 408-535-7811 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **October 8, 2008**. My name is \_\_\_\_\_ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- I will identify the project as described on the agenda
- Staff will provide a brief report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The public hearing will then be closed and I will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed.** The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

*All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3<sup>rd</sup> Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.*

Note: If you have any questions regarding the agenda, please contact Dawn Lehman at 408-535-7811 or [dawn.lehman@sanjoseca.gov](mailto:dawn.lehman@sanjoseca.gov)

## AGENDA ORDER OF BUSINESS

### **1. DEFERRALS**

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Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

- a. **PDA07-006-01**. Planned Development Permit Amendment to allow construction of Phase I of the previously approved Master Planned Development (File No. PD07-006); Phase I consists of 699 residential units and 10,500 square feet of commercial use on a 9.98 acre portion of the 38.7 gross acre site in the A(PD) Planned Development Zoning District, located at the northeast corner of Zanker Road and Henry Ford II Drive (3300 Zanker Road) (Irvine Company LLC, Owner). Council District 4. SNI: None. CEQA: North San José EIR Reso. No. 72768, and Addenda thereto, File No. PDC06-038 and PD07-006. Dropped; Renoticed for 10/22/08  
*Project Manager, John Baty*
- b. **HA80-077-01**. Tree Removal Permit for 12 trees, ranging in size from approximately 12 inches to 82 inches in circumference, from the common areas of a multi-family residential development in the R-M Multiple Residence Zoning District, located on the south side of Baroni Avenue and the west side of Snell Avenue (130 BARONI AVE) (Cora J. Jackson, Owner). Council District 10. CEQA: Exempt. Deferred to 10/15/08  
*Project Manager, Bill Roth*
- c. **TR08-248**. Tree Removal Permit to remove one live Deodar Cedar, 131 inches in circumference, located in the front yard of a single family lot in the R-1-8 Single-Family Residence Zoning District, located on the southwest corner Coralee Dr & Rafton Dr (4907 Rafton Dr) (Mcneil Rupert and Mary, Owners). Council District 9. CEQA: Exempt. Deferred to 10/15/08  
*Project Manager, Licinia McMorrow*

### **2. CONSENT CALENDAR**

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#### **NOTICE TO THE PUBLIC**

The consent calendar items are considered to be routine and will be considered together. There will be no separate discussion of these items unless a request is made by the staff or the public to have an item removed from the consent calendar and considered separately.

- a. **H08-030**. Site Development Permit to convert a single-family residence to a two-family residence with an addition of 1,442 sq. ft. on a 0.09-gross acre site in the R-2 Two-Family Residence Zoning District, located at 485 W. Virginia Street (Reymundo Mendez, Owner). Council District: 3. SNI: Greater Gardner. CEQA: Exempt.  
*Project Manager, Avril Baty*

- b. [HA00-034-01](#). Site Development Permit Amendment to allow installation of a Liquefied Nitrogen tank, up to 3,000 gallons in size, and to construct a 370 square foot concrete pad and outdoor equipment enclosure on a 10.61-gross acre site in the IP Industrial Park Zoning District, located at 5900 Optical Court (C. Berg Owner). Council District 2. SNI: None. CEQA: Exempt.  
*Project Manager, Chris Burton*
- c. [HA79-303-01](#). Tree Removal Permit to allow the removal of one (1) Ash tree, 74 inches in circumference, located in the common area of a commercial development on a 0.6 gross acre site in the CP Pedestrian Commercial Zoning District, located at 2323 S. Bascom Avenue (2323 Bascom LLC, Owner). Council District 9. CEQA: Exempt.  
*Project Manager, Suparna Saha*
- d. [HP08-002](#). Historic Preservation Permit to allow demolition of a one-story rear portion of a contributing structure to the Reed City Landmark Historic District. (480 S. 6<sup>th</sup> Street). Lu Tan Sung Owner. Council District: 3. S.N.I. Area: University. C.E.Q.A.: Exemption.  
*Project Manager, Hadasa Lev*
- e. [HP08-004](#). Historic Preservation Permit to allow an addition of 309 square feet to the existing residential unit and restoration and relocation of an existing detached one-car garage on a 0.11-gross acre site in the Hensley Historic District. (425 N. 5<sup>th</sup> Street). Stephen Blohm Owner. Council District: 3. S.N.I. Area: 13<sup>th</sup> Street. C.E.Q.A.: Exemption.  
*Project Manager, Hadasa Lev*
- f. [PDA69-008-01](#). Tree removal permit for seven (7) live Silver Dollar Eucalyptus of different circumferences, including one ordinance-size tree, in the common area of a property located in the R-1-5(PD) Planned Development Zoning District, located on the south side of Santa Teresa Boulevard between Chantilly Lane and Bernal Road (Santa Teresa Townhouses) (7125 Point Dunes Court) (Ronald G. and Marilyn A. Cueba Trustee, Owner). Council District 2. CEQA: Exempt.  
*Project Manager, Rachel Roberts*
- g. [PDA79-035-01](#). Tree Removal Permit for two redwood trees, approximately 92 and 100 inches in circumference, from the side yards of spaces #134 and #135 of an 8.18 gross acre mobile home park in the A(PD) Planned Development Zoning District, located at the southwest corner of N. 1<sup>st</sup> Street and Highway 237 (4271 N 1ST STREET) (Charles J Sylvia Trustee, Owner). Council District 4. CEQA: Exempt.  
*Project Manager, Bill Roth*
- h. [PDA79-056-01](#). Tree Removal Permit to remove 18 Red Ironbark Eucalyptus ordinance size trees and to legalize the previous removal of three ordinance sized trees (removed without the benefit of permits) from the common area of a multiple dwelling residential complex and for a tree replacement plan on an approximately 7.0 gross acre site in the A(PD) Planned Development Zoning District, located at/on the northwest corner of Hamilton Avenue and Leigh Avenue (1651 BRADDOCK CT). Council District 6. CEQA: Exempt.  
*Project Manager, Michelle Stahlhut*
- i. [PDA97-034-02](#). Planned Development Permit Amendment to legalize existing construction of two, tiered retaining walls approximately 2.5 feet and 6 feet in height, respectively. The walls were completed without the benefit of permits in the rear yard of an existing single-family detached residence on a 0.16 gross acre site in the A(PD) Planned Development Zoning District, located at 3916 Mars Court (Konyala Mohan And Viswabrahma Thirumala, Owner). Council District 8. SNI: None. CEQA: Exempt.  
*Project Manager, Licinia McMorrow*

- j. [SPA07-033-01](#). Special Use Permit Amendment to extend the operation hours from previously approved 2:00 am to 3:00 am for an existing eating establishment, seven days per week on a 0.26 gross acre site in the DC Downtown Primary Commercial Zoning District, located at/on the 21 North 2nd Street, Angelou's Café & Grill (Teresa Lopez, Owner). Council District 3. SNI: None. CEQA: Exempt.  
*Project Manager, Ella Samonsky*
- k. [SP08-049](#). Special Use Permit to legalize an accessory structure of 420 square feet, in excess of the 200 square feet allowed by right, located in the backyard of a single-family detached residence on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, at 3329 Dias Drive (Miguel Vallejo Lopez, Owner). Council District: 8. SNI: None. CEQA: Exempt.  
*Project Manager, Avril Baty*
- l. [T07-049](#). Vesting Tentative Condominium Map Permit to reconfigure 2 parcels into 3 lots for residential and commercial uses. Lot one would contain 132 single-family attached residential units (3 of which are live/work units) and up to 3 commercial condominium units in a previously approved tower (~198' in height). Lot two would contain 62 single-family attached residential units and up to 5 commercial condominium units in a previously approved tower (~153' in height). Lot three would contain the First Church of Christ Scientist (commercial space within it) and a surface parking lot; uses which were previously approved. Previous approvals were from Site Development Permit file number H05-029. The site is 1.52 gross acres and is located in the DC Downtown Primary Commercial Zoning District on the block bounded by St. James, North 1st, North 2nd, and Devine Streets (252 N 1ST ST) (Green Valley Corp, Owner/Developer). Council District 3. SNI: None. CEQA: Park View Towers EIR, File No. H05-029.  
*Project Manager, Lee Butler*
- m. [TR08-192](#). Tree Removal Permit to allow the removal of one Douglas Fir tree, 111 inches in circumference, and two Atlas Cedar trees, 72 and 81 inches in circumference, on a 0.25-acre site in the R-1-5 Single-Family Residence Zoning District, located at 2187 Foxworthy Avenue (Jonathan Fu and Sylvie Akiel-Fu Trustee, owners). Council District 9. CEQA: Exempt.  
*Project Manager, Suparna Saha*
- n. [TR08-202](#). Tree removal permit for one pine tree, approximately 67 inches in circumference, located in the front yard of a 0.14 gross acre single-family parcel in the R-1-8 Single Family Residence District, located at 1938 Limewood Drive (Karl W. Kleiner, Owner). Council District 4. CEQA: Exempt.  
*Project Manager, Bill Roth*
- o. [TR08-215](#). Tree Removal Permit to allow the removal of one Spruce tree, 60 inches in circumference, in the A(PD) Planned Development Zoning District, located at 3106 Meadowlands Lane (Ruben and Cheri Torres Trustee, Owner). Council District 8. CEQA: Exempt.  
*Project Manager, Suparna Saha*
- p. [TR08-219](#). Tree Removal Permit to allow the removal of one Cedar tree, 72 inches in circumference, on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1541 Glencrest Dr. (Frederick J And Linda Carr J Trustee, Owner). Council District 9. CEQA: Exempt.  
*Project Manager, Suparna Saha*

- q. [TR08-228](#). Live Tree Removal Permit request to remove one Cypress Tree, approximately 100 inches in circumference, from the side yard of an existing single-family residence located at 1015 Blue Mist Place, within in the R-1-5 Single-Family Residence Zoning District. (James E, Doran Jr. and Reita Doran, Owners). Council District 10. CEQA: Exempt.  
*Project Manager, Allen Tai*
- r. [TR08-233](#). Tree Removal Permit to allow removal of one Canary Island Pine tree, approximately 85 inches in circumference, in the front yard of a single-family residence located at 3191 Teddington Drive, within an A(PD) Planned Development Zoning District. (Garcia Rebecca, Owner). Council District 8. CEQA: Exempt.  
*Project Manager, Allen Tai*
- s. [TR08-237](#). Tree Removal Permit Request for Removing one live Palm Tree 155 inches in circumference and one dead palm tree 145 inches in circumference from the front yard of a detached single family residence in the R-1-2 Single-Family Residence Zoning District, located on the east side Snell Ave. across from Colleen Dr. (6358 SNELL AV) (Van Zerr Shelley Trustee, Owner). Council District 2. CEQA: Exempt.  
*Project Manager, Licinia McMorro*
- t. [TR08-241](#). Tree Removal Permit for one black walnut tree, approximately 99 inches in circumference, located in the rear yard of a 0.18 gross acre single-family parcel in the R-1-8 Single Family Residence District, located at 3465 Walton Way (David R Parker Trustee & Et Al, Owner). Council District 1. CEQA: Exempt.  
*Project Manager, Bill Roth*
- u. [TR08-243](#). Live Tree Removal Permit for the removal of one walnut tree, 64 inches in circumference, from the rear yard of a single family detached residence in the R-1-8 Single-Family Residence Zoning District, located on the south side of California Ave., 180 ft west of Curtiss Ave. (920 California Ave.) (Costa, Tamara And Pietro, Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Ella Samonsky*
- v. [TR08-244](#). Tree Removal Permit Request to remove three Coast Redwood Trees, 72, 63 and 63 inches in circumference, from the backyard of a single-family residence in the A(PD) Planned Development Zoning District, located at 5984 Porto Alegre Drive (Irine Dibowitz, Owner). Council District: 10. CEQA: Exempt.  
*Project Manager, Avril Baty*
- w. [TR08-250](#). Tree Removal Permit to allow removal of two Pine Trees, 57 and 105 inches in circumference, from the rear yard of a two family dwelling in the R-2 Two-Family Residence Zoning District, located at 249 Eastside Drive (David and Maria Lima, owners). Council District 5. CEQA: Exempt.  
*Project Manager, Christopher Burton*
- x. [TR08-251](#). Tree Removal Permit to allow removal of one Ailanthus ("Tree of Heaven") approximately 81 inches in circumference in the R-M Multiple Residence Zoning District, located at/on the Northside of East Empire Street, 170 feet east of North 2nd Street (81 E EMPIRE ST) (Robben Vincent De Paul John Et Al, Owner). Council District 3. CEQA: Exempt.  
*Project Manager, Jodie Clark*
- y. [TR08-253](#). Tree Removal Permit to allow the removal of one black Locust tree measuring 83 inches in circumference and one English Walnut tree measuring 56 inches in circumference in the R-1-8 Single-Family Residence Zoning District, located at 349 S. 12th Street) (Sanjay Gadkari and Colleen Robbins-Gadkari, Owners). Council District 3. CEQA: Exempt.  
*Project Manager, Sylvia Do*

### 3. PUBLIC HEARING

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- a. [TR08-212](#). Live Tree Removal Permit for the removal of two pine tree, approximately 128 and 110 inches in circumference. The larger tree will be removed from the front side yard and the smaller tree from the rear yard of a single family residence located in the R-1-8 Single-Family Residence Zoning District, at 1680 English Court. (Nguyen Minhngoc And Christensen Darcy J, Owner). Council District 1. SNI: None. CEQA: Exempt.  
*Project Manager, Avril Baty*
- b. The projects being considered are located on the east corner of Berryessa and Jackson Avenue, in the A (PD) Planned Development Zoning District (Pepper Lane Berryessa LLC & Myra Reinhard, Joseph Territo, Vincent Nola, Owners; Pulte Home Corporation, Developer). Council District 4. SNI: None. CEQA: Addendum to Mitigated Negative Declaration
  1. [PD08-001](#). Planned Development Planned Development Permit to allow the construction of 371 residential units, 30,000 sq ft of commercial space, and to allow a drive thru pharmacy use on a 20.52 gross acre site
  2. [PT08-001](#). Vesting Tentative Map to reconfigure 9 parcels into 105 lots for 371 residential units and 30,000 sq ft of commercial space on a 20.52 gross acre site*Project Manager, Reena Mathew*

This concludes the Planning Director's Hearing for October 8, 2008. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/planning/hearings/default.asp>

PUBLIC INFORMATION COUNTER

(408) 535-7800 CITY OF SAN JOSÉ

## **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.



**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
  - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
  - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
  - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
  - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.